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The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Safety Commission

Automatic Sprinkler Appeals Board

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CHAIRMAN

RODERICK J. FRASER, JR.
VICE CHAIRMAN

Docket # 2011-15
14 Bartlett Street and 291 Elm Street
Westfield, Massachusetts

AUTOMATIC SPRINKLER APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This is an administrative appeal held in accordance with Massachusetts General Laws Chapter 30A, Chapter 148, § 26G, and Chapter 6, section 201, relative to a decision of the Westfield Fire Department, requiring the Church of Testament of Jesus Christ (hereinafter referred to as the Appellant) to install automatic sprinklers throughout a building that it owns/operates located at 14 Bartlett Street and 291 Elm Street, Westfield, Massachusetts.

B) Procedural History

By written notice received by the Appellant on August 19, 2011, the Westfield Fire Department issued a determination requiring automatic sprinklers to be installed throughout the subject building. According to the notice, the determination was issued pursuant to the provisions of M.G.L. c. 148 § 26G. On September 13, 2011, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on November 9, 2011, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant were Stephen Jablonski, Architect; Stanislav Bashiuskiy, Pastor of Church; Paul Pantus, translator; and Anatoley Tereschuk, President of Church. Appearing on behalf of the Westfield Fire Department was Deputy Chief Paul M. Egloff.

Present for the Board were: Maurice M. Pilette, Chairman; Bart J. Shea, designee of the Commissioner of the City of Boston; Alexander MacLeod; Thomas Coulombe; Aime R. DeNault; and George A. Duhamel. Peter A. Senopoulos, Esquire, was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the Board should affirm, reverse or modify the determination of the Westfield Fire

Department requiring sprinklers in the Appellant's building, in accordance with the provisions of M.G.L. c.148 § 26G?

D) Evidence Received

1. Application for Appeal by Appellant
2. Letter/Order from the Westfield Fire Department to Appellant's Representative
3. Letter from Appellant's Representative to the Westfield Fire Department
4. Purchase and Sale Agreement (dated November 23, 2003)
5. Purchase and Sale Agreement (dated January 8, 2003)
6. Map of the Property
7. First Floor Plan of the property
8. 1st Notice of Hearing to Parties
9. 2nd Notice of Hearing to Appellant
10. 2nd Notice of Hearing to the Westfield Fire Department
11. Copies of two Memoranda that accompany Hearing Notices
12. Plan Review Guideline – WFD, submitted by Appellant
13. WFD Submissions (exhibits 1-5, photos 5A-N)

E) Subsidiary Findings of Fact

- 1) By written notice received by the Appellant on August 19, 2011, the Westfield Fire Department issued a determination requiring automatic sprinklers to be installed throughout a building located at the property at issue. According to the notice, the determination was issued pursuant to the provisions of M.G.L. c. 148 § 26G. On September 13, 2011, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on November 9, 2011, at the Department of Fire Services, Stow, Massachusetts.
- 2) The representatives of the Appellant indicated that it is their position that the determination of the Westfield Fire Department is in error. They are of the opinion that the “building” at issue should actually be considered two separate buildings since, although presently connected, they were built on separate parcels at different times and have distinctive addresses, separate deeds and utilize separate utilities.
- 3) One of the “buildings,” which houses the sanctuary of the Church of Testament of Jesus Christ, has an address of 14 Bartlett Street. This is a two-story building, built around 1870, consisting of approximately 4,200 s.f. in floor area. It features masonry walls, wood framing, and an asphalt shingle roof. The other building, with an address of 291 Elm Street, was built around 1910, and consists of approximately 9,270 s.f. of floor area on a single floor, built over a crawl space (with partial basement). This building is masonry construction and features a roof supported by steel trusses. Neither “building” is sprinklered.
- 4) The Appellant currently owns both of these buildings, which they bought by separate conveyances in 2003. The Appellant is planning to conduct major renovations to the Elm Street address to enable its use as a hall for church social functions, receptions and funeral

collations. The Appellant stated that the church building (on Bartlett Street) is not subject to renovation at this time.

- 5) At some time prior to Appellant's purchase of these buildings, the buildings were connected by means of a significant wood framed structure, which featured a roof and interior that overlapped each building. The buildings are not separated by a firewall and there are two interior doorways, one of which is currently blocked up. Representatives of the Appellant indicated that the occupants do not use these interior entryways and that it is their intent to block off both of these entryways by means of the erection of a rated "firewall." The Appellant was unsure of whether the connecting structure was part of the Bartlett Street address or the Elm Street address or on both.
- 6) In support of the Westfield Fire Department, Deputy Egloff testified that the order was issued pursuant to M.G.L. Chapter 148, section 26G. The fire department's determination was issued based upon the overall existing floor area of the building; the lack of a true firewall between the two structures; the characteristics of the connecting structure, the interior of which overlaps both buildings which share a common roof; and the fact that both structures are currently owned and controlled by the Appellant. The Deputy went into great detail about the characteristics of the structure creating the point of connection.

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The provisions of M.G.L. c. 148, s. 26G, state, (in pertinent part): "Every building or structure, including any additions or major alterations thereto, which totals, in the aggregate, more than 7,500 gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code." This law, as stated, reflects recent amendments to the statute enacted by Chapter 508 of the Acts and Resolves of 2008. The new provisions apply to "the construction of buildings, structures or additions or *major modifications* thereto, which total, in the aggregate, more than 7,500 gross square feet permitted after January 1, 2010". (Sec. 6, Chapter 508 of the Acts of 2008). The law is triggered if: (1) a new building or structure is constructed, (2) an addition is built onto an existing building or structure, or (3) major alterations or modifications are made to an existing building.
- 2) The representatives of the Appellant assert that the church portion of this complex is not undergoing renovations and should be considered a separate building and therefore not subject to the sprinkler requirements of s. 26G. However, after close examination of the evidence, this Board determines otherwise. The Board realizes that some buildings subject to the provisions of s. 26G may have a variety of characteristics and configurations involving multiple buildings or portions of buildings constructed on different dates, within different lot lines and possibly involving different owners. In such instances, the determination of whether a building or structure, or a complex or set of buildings or structures should be considered "one" building for the purposes of s. 26G sprinkler protection, is dependant upon many factors. Such factors include, but are not limited to: plot and property boundary lines; building ownership and control; building configuration and the location and nature of exterior walls and fire walls; the characteristics, dimensions and combustible fire load at the point of "connection" of two or more buildings, structures or portions thereof; the operational use

relationship between said buildings, structures or portions; the nature and extent of existing fire protection and detection systems and the nature of smoke and fire behavior.

- 3) Although the subject buildings or portions of this building complex were apparently built at different times and by different owners, it is clear that presently both “buildings” are owned and controlled by the Appellant. Additionally, at some time before the Appellant’s ownership, the two separate buildings were connected to each other by means of a significant wood framed structure which featured the overlap of interior space and rooflines. The buildings are not separated by a sufficient masonry firewall that would prevent fire from spreading from one building to another. In fact, large surface areas at the point of attachment consist of wooden material and feature two interior doorways. With respect to the “operational” relationship between both structures it is clear that the church and attached function hall will share operational characteristics since the flow/travel of church occupants to the newly renovated function hall will be a natural and common occurrence. In short, for the reasons stated herein, the two buildings that were, at one time separate, are now inextricably connected physically, operationally and through common ownership and control and shall be considered one building for the purposes of triggering the s. 26G sprinkler protection.
- 4) Based upon the facts presented at the hearing, the Board finds that “major alterations” are clearly occurring within that portion of this building that will be renovated and used as a function hall. Such alterations are impacting at least 9,270 s.f. of floor area. In a guidance memorandum, dated October 14, 2009, and in prior decisions, this Board has indicated that alterations or renovations shall be considered “major” for the purpose of s. 26G when such work affects thirty-three (33) % or more of the “total gross square footage” of the building...”. Since the combined s.f. area of both the church (4,200 s.f) and the function hall (9,270 s.f) totals 13,470 s.f. of floor area, the area subject to renovation/alteration clearly exceeds 33% of the building area thus triggering the requirement to install an adequate system of sprinklers.

G) Decision of the Automatic Sprinkler Appeals Board

Based upon the evidence and testimony presented at the hearing, the Board hereby **upholds** the determination of the Westfield Fire Department to install sprinklers throughout both portions at issue in this building located at 14 Bartlett Street and 291 Elm Street, Westfield, Massachusetts, in accordance with the requirements of M.G.L. c. 148, § 26G.

Sprinklers shall be installed throughout all floor areas of the function portion of this building subject to alteration, including the connecting addition, prior to occupancy. Sprinklers shall be installed in the church portion of this building in a reasonable time frame as determined by the fire department, but in no event beyond a three year period from the date of this decision.

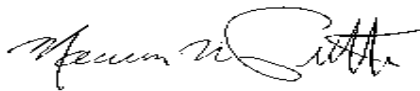
H) Vote of the Board

Maurice M. Pilette, Chairman	In Favor
Bart J. Shea, Acting Deputy/Fire Marshal, City of Boston	In Favor
Thomas Coulombe	In Favor
Alexander MacLeod	Opposed
Peter E. Gibbons	In Favor
Aime DeNault	In Favor
George Duhamel	In Favor

I) Right of Appeal

You are hereby advised you have the right to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order, pursuant to section 14 of chapter 30A of the General Laws.

SO ORDERED,



Maurice M. Pilette, Chairman

Dated: January 10, 2012

A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

Stephen Jablonski, AIA
Jablonski | Devriese Architects
29 Elliot Street
Springfield, Massachusetts 01105

Deputy Chief Patrick M. Egloff
Westfield Fire Department
34 Broad Street
Westfield, Massachusetts 01085